

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

In re M&T Bank Corporation ERISA Litigation

Case No. 1:16-cv-375-FPG-JJM
Consolidated Action

**DECLARATION OF TYLER M. DATO IN SUPPORT OF DEFENDANTS'
MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

I, TYLER M. DATO, hereby affirm under penalty of perjury that the following is true and correct:

1. I am a member in good standing of the Bar of the State of New York and have been admitted to practice before this Court. I am an associate of the law firm of Sullivan & Cromwell LLP, counsel to Defendants in the above-captioned action.

2. I submit this Declaration in support of Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for Class Certification, and to put before the Court true and correct copies, to the best of my knowledge, of the documents described below and annexed hereto.

Appendix A to the Prospectus/Summary Plan
Description for the M&T Bank Corporation
Retirement Savings Plan, dated June 7, 2010
(excerpt)

Exhibit 1

Prospectus/Summary Plan Description for the M&T Bank Corporation Retirement Savings Plan Summary Plan, dated January 1, 2011 (excerpt)	Exhibit 2
Appendix A to the Prospectus/Summary Plan Description for the M&T Bank Corporation Retirement Savings Plan, dated January 1, 2012 (excerpt)	Exhibit 3
Appendix A to the Prospectus/Summary Plan Description for the M&T Bank Corporation Retirement Savings Plan, dated January 1, 2017 (excerpt)	Exhibit 4
2018 Qualified Default Investment Alternative Notice	Exhibit 5
Jacqueline Allen Deposition Transcript (excerpt)	Exhibit 6
Declaration of Jonathan J. Ossip	Exhibit 7
Plaintiffs' Interrogatory Responses (excerpt)	Exhibit 8
Jacqueline Allen Indictment	Exhibit 9
Jacqueline Allen Plea Agreement	Exhibit 10
Jacqueline Allen Criminal Docket Report	Exhibit 11
Sa'ud Habib Deposition Transcript (excerpt)	Exhibit 12
Sa'ud Habib Resume	Exhibit 13
Russell Dixon Deposition Transcript (excerpt)	Exhibit 14

Janet Smith Deposition Transcript (excerpt)	Exhibit 15
Kenneth Sliwinski Deposition Transcript (excerpt)	Exhibit 16
Beverly Williams Deposition Transcript (excerpt)	Exhibit 17
Nichols Kaster Advertisement	Exhibit 18
Sa'ud Habib Release	Exhibit 19
Jacqueline Allen Release	Exhibit 20
Kenneth Sliwinski Release	Exhibit 21
M&T Bank Employee Benefit Plans Committee Meeting Materials, dated March 11, 2013 (excerpt)	Exhibit 22
M&T Bank Employee Benefit Plans Committee Meeting Materials, dated September 10, 2018 (excerpt)	Exhibit 23
Fifth Amendment to the Recordkeeping Agreement (excerpt)	Exhibit 24

Executed in New York, NY on April 26, 2019.

/s/ Tyler M. Dato
Tyler M. Dato